THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.22013 OF 2003

DISPOSED OF ON 19-10-2005.

BETWEEN:

MRS.SMT.APPAM CHANDRAKALA,

SRI RAM STREET, RACHANNAPET,

ZAHIRABAD. … PETITIONER

AND

THE MANDAL REVENUE OFFICER,

ZAHEERABAD, MEDAK & OTHERS. RESPONDENTS

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B.SESHASAYANA REDDY

WRIT PETITION NO.22013 OF 2003

O R D E R :

1. This writ petition has been filed by Appam Chandrakala with a prayer to issue a

Writ of Mandamus declaring the inaction of respondents 1 and 2 in complying with the directions of 3rd respondent dated 4.8.2003 as illegal, null and void and contrary to judicial principles and precedence.

2. The case of the petitioner as disclosed in the affidavit filed in support of the writ petition, in brief, is :

The petitioner is the owner of three plots bearing Nos.141/1, 141/2 and 153/1, Alipur village, Zaheerabad Mandal having got the same under a will executed by her father-in-law namely Sri Siddappa, S/o Jogaiah. It is further averred that some villagers erected a statue of Ambedkar without permission from Gram Panchayat in her land. She submitted an application on 20.12.2002 for removal of the statue. The Mandal Revenue Officer-1st respondent under letter-dated 26.12.2002 sought for instructions of the District Collector, Medak. The District Collector, Medak in turn issued instructions to the Revenue Divisional Officer-2nd respondent to take necessary steps and to initiate proceedings. Specific instructions have been issued to the 2nd respondent by the District Collector on 4.8.2003 to remove the erected statue of Ambedkar with the help of police and to handover the land to the petitioner. Since no action has been taken, the petitioner approached this court under Article 226 of the Constitution of India.

3. MRO-1st respondent filed counter affidavit. It is stated in the counter affidavit that the land bearing S.No.74/1 admeasuring Ac.15-38 guntas situated at Allipur village, Zahirabad Mandal is a patta land. On the basis of the report of 1st respondent, the District Collector, Medak has issued directions by letter-dated 4.8.2003 to remove the erected statue of Ambedkar from the land of petitioner herein and handover the site to the petitioner and report compliance.

4. Heard learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing on behalf of the respondents.

5. Learned counsel appearing for the petitioner submits that the site wherein

Ambedkar statue has been erected belongs to the petitioner and therefore the statue is required to be removed from the site. Learned Government Pleader for Revenue appearing on behalf of the respondents submits that the site wherein the statue has been erected is a Gram Panchayat site.

6. It is no more in dispute that the petitioner submitted an application for removal of Ambedkar statue, which has been unauthorisedly erected in her site. It is for the 1st respondent-MRO to decide as to whether the statue has been installed in the Panchayat site or in the private site of the petitioner and pass appropriate orders on the application presented by the petitioner. In that view of the matter, this writ petition is disposed of directing 1st respondent-MRO to decide as to whether the status has been installed in the Panchayat site or in the private site of the petitioner and pass appropriate orders on the application presented by the petitioner within two months from the date of receipt of a copy of this order.

Dated: 19-10-2005. (B.Seshasayana Reddy,J)

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